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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Kasandra Dee Kalinich,

7 Plaintiff,

8 v.

9 Kilolo Kijakazi,

10 Defendant.

Case No. 2:22-cv-00859-DJA

**ORDER**

11 Before the Court is Plaintiff Kasandra Dee Kalinich's application to proceed *in forma*  
12 *pauperis* on her appeal from the Social Security Commissioner's final decision. (ECF No. 1).  
13 Because the Court finds that Plaintiff has demonstrated an inability to prepay fees and costs or  
14 give security for them, it grants her application. The Court also finds that Plaintiff's complaint  
15 has met the basic requirements to satisfy screening. The Court finds these matters properly  
16 resolved without a hearing. LR 78-1.

17 **I. Discussion.**

18 ***A. The Court grants Plaintiff's in forma pauperis application.***

19 Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability  
20 to prepay fees and costs or give security for them. Plaintiff is unemployed, her only income is  
21 food stamps, and her spouse pays for most of their bills. She claims that her and her spouse have  
22 no money in any bank accounts or any cash. The two own a Jeep Grand Cherokee they value at  
23 around \$3,000. Plaintiff explains that she has no income and that her and her spouse can barely  
24 make ends meet with her spouse's income. Based on the financial information provided, the  
25 Court finds that Plaintiff is unable to pay an initial partial filing fee and grants her application to  
26 proceed *in forma pauperis*.  
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1           **B.       Plaintiff's complaint passes the Court's screening.**

2           Plaintiff's complaint meets the basic requirements to pass screening. When a plaintiff  
3 seeks leave to file a civil case *in forma pauperis*, the court will screen the complaint. *See* 28  
4 U.S.C. § 1915(e). For social security appeals, judges in this district consider four requirements  
5 for complaints to satisfy screening. *See, e.g., Graves v. Colvin*, 2015 WL 357121, \*2 (D. Nev.  
6 Jan. 26, 2015) (collecting cases). *See id.* First, the complaint must establish that administrative  
7 remedies were exhausted under 42 U.S.C. § 405(g) and that the plaintiff filed her application  
8 within 60 days after notice of the Social Security Commissioner's final decision. *See id.* Second,  
9 the complaint must indicate the judicial district in which the plaintiff resides. *See id.* Third, the  
10 complaint must state the nature of the plaintiff's disability and when the plaintiff claims to have  
11 become disabled. *See id.* Fourth, the complaint must contain a plain, short, and concise  
12 statement identifying the nature of the plaintiff's disagreement with the determination made by  
13 the Social Security Administration and show that the plaintiff is entitled to relief. *See id.*

14           Here, Plaintiff's complaint satisfies screening under the four requirements. First, the  
15 complaint asserts that Plaintiff applied for supplemental security income benefits, which  
16 application the Commissioner denied. Afterwards, Plaintiff timely requested and participated in a  
17 hearing before an administrative law judge, who denied her claim. The Appeals Council denied  
18 review of the administrative law judge's decision on April 18, 2022, making it final. Plaintiff  
19 filed her *in forma pauperis* application less than 60 days later. Second, Plaintiff claims to live in  
20 the jurisdictional boundaries of this Court. Third, Plaintiff outlines the nature of her disability  
21 and the date on which she became disabled. Fourth, Plaintiff concisely states her disagreement  
22 with the Social Security Administration's determination. Because Plaintiff's complaint meets  
23 each of these requirements, it satisfies screening.

24           **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*  
25 *pauperis* (ECF No. 1) is **granted** with the caveat that the fees shall be paid if recovery is made.  
26 At this time, Plaintiff shall not be required to pay the filing fee.

27           **IT IS FURTHER ORDERED** that Plaintiff is permitted to maintain this action to  
28 conclusion without the necessity of prepayment of any additional fees or costs or the giving of

1 security therefor. The Order granting leave to proceed *in forma pauperis* shall not extend to the  
2 issuance of subpoenas at government expense.


3 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to file the  
4 complaint (ECF No. 1-1).

5 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to serve the  
6 Commissioner of the Social Security Administration by sending a copy of the summons and  
7 complaint by certified mail to: (1) Office of Regional Chief Counsel, Region IX, Social Security  
8 Administration, 160 Spear St., Suite 800, San Francisco, California 94105-1545; and (2) the  
9 Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W.,  
10 Washington, D.C. 20530.

11 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to issue  
12 summons to the United States Attorney for the District of Nevada and deliver the summons and  
13 Complaint to the U.S. Marshal for service.

14 **IT IS FURTHER ORDERED** that from this point forward, Plaintiff shall serve upon  
15 Defendant or, if appearance has been entered by counsel, upon the attorney, a copy of every  
16 pleading, motion or other document submitted for consideration by the Court. Plaintiff shall  
17 include with the original paper submitted for filing a certificate stating the date that a true and  
18 correct copy of the document was personally served or sent by mail to the Defendant or counsel  
19 for the Defendant. The court may disregard any paper received by a judge which has not been  
20 filed with the clerk, and any paper received by a judge or the clerk which fails to include a  
21 certificate of service.

22 DATED: June 23, 2022

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24 DANIEL J. ALBRECHTS  
25 UNITED STATES MAGISTRATE JUDGE  
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